

Declaration and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

INTERMEDIATES USEFUL IN THE PREPARATION OF DIAMINOTHIAZOLES

the specification of which

(check one)

☒ is attached hereto.

☐ was filed on _____ as

Application Serial No. _____

and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)**Priority Claimed**

| | | | | |
|-------------------|--------------------|---------------------------------|---------------------------------|--------------------------------|
| _____ (Number) | _____ (Country) | _____ (Day/Month/Year Filed) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| _____ (Number) | _____ (Country) | _____ (Day/Month/Year Filed) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| _____ (Number) | _____ (Country) | _____ (Day/Month/Year Filed) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

60/263,315
(Application No.)

January 22, 2001
(Filing Date)

60/326,807
(Application No.)

October 3, 2001
(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

10/042,619
(Application Serial No.)

January 9, 2002
(Filing Date)

pending
(Status) (patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

☒ Practitioners at Customer Number 00151

00151

00151

PATENT TRADEMARK OFFICE

Direct all correspondence to:

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PATENT TRADEMARK OFFICE

Direct Telephone Calls to: (name and telephone number)

Patricia S. Rocha-Tramaloni (973) 235-2441

Qingjie Ding

Full name of sole or first inventor, if any

Qingjie Ding
Inventor's signature

10/14/2003

Date

Bridgewater, Somerset County, New Jersey

Residence

China

Citizenship

23 Sterling Drive, Bridgewater, New Jersey 08807

Post Office Address

Paul Gillespie

Full name of second joint inventor, if any

Paul Gillespie

Second Inventor's signature

10/6/2003

Date

Westfield, Union County, New Jersey

Residence

United Kingdom

Citizenship

739 Tamaques Way, Westfield, New Jersey 07090

Post Office Address

Kyungjin Kim

Full name of third joint inventor, if any

Kim, Kyungjin

Third Inventor's signature

10/06/03

Date

Livingston, Essex County, New Jersey

Residence

Korea

Citizenship

48 Ashwood Drive, Livingston, New Jersey 07039

Post Office Address

Warren William McComas

Full name of fourth joint inventor, if any

Warren William McComas

Fourth Inventor's signature

10-06-03

Date

Denville, Morris County, New Jersey

Residence

USA

Citizenship

1 Comanche Trail, Denville, New Jersey 07834

Post Office Address

Agostino Perrotta

Full name of fifth joint inventor, if any

Agostino Perrotta

Fifth Inventor's signature

10/6/03

Date

Bloomfield, Essex County, New Jersey

Residence

USA

Citizenship

7 Whitman Street, Bloomfield, New Jersey 07003

Post Office Address

Title 37, Code of Federal Regulations, §1.56, duty to disclose information material to patentability provides, in part, that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned.

Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.